

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SAY SULIN KEODARA,

Plaintiff(s),

v.

JERI BOE et al,

Defendant(s).

CASE NO. 3:21-cv-05129-TL-TLF

MINUTE ORDER

The following Minute Order is made at the direction of the Court, the Honorable Tana Lin, United States District Judge:

- (1) On September 15, 2022, the Honorable Theresa L. Fricke, United States Magistrate Judge, issued a Report and Recommendation (“R&R”) on Defendants’ motion for summary judgment. Dkt. No. 66. The Parties had 14 days from service of the R&R, or approximately September 30, to file objections to the R&R for this Court’s consideration. *Id.* at 21. Defendants timely filed an objection to the R&R. Dkt. No. 68.

1 (2) On September 22, Plaintiff, an incarcerated individual, moved for an extension of
2 time to respond to the R&R. Dkt. No. 67. In a minute order, the Court granted
3 Plaintiff's motion and reset the Parties' deadlines as follows: Plaintiff's objection
4 to the R&R due on October 24; Defendants' response to Plaintiff's objection due
5 on November 7; Plaintiff's response to Defendants' objection due on November
6 8. Dkt. No. 69.

7 (3) On October 23, Plaintiff filed a motion for another extension of time to object to
8 the R&R and to respond to Defendants' objection to the R&R (the "Second
9 Motion to Extend"). Dkt. No. 70. Plaintiff states that he was in administrative
10 segregation for approximately eight days and generally did not have access to the
11 law library from approximately October 5 to October 23. Dkt. No. 71 at 1.
12 Plaintiff requests that both deadlines be reset for November 23. Dkt. No. 70.

13 (4) Defendants object, arguing that Plaintiff has been to the law library seven times
14 since the R&R and that Plaintiff had opportunities to—but did not—attend the
15 law library after he was removed from administrative segregation. Dkt. No. 72;
16 Dkt. No. 73-1 at 2 (law library request and attendance sheet). Defendants argue
17 that "[t]his case has been significantly delayed already." Dkt. No. 72.

18 (5) This Court requires motions for extensions of time to be filed at least three
19 business days before the expiration of the deadline in question. *See* Judge Tana
20 Lin, Standing Order for All Civil Cases § II.G (last updated Apr. 26, 2022),
21 [https://www.wawd.uscourts.gov/sites/wawd/files/LinStandingOrderreCivilCases_](https://www.wawd.uscourts.gov/sites/wawd/files/LinStandingOrderreCivilCases_0.pdf)
22 [0.pdf](https://www.wawd.uscourts.gov/sites/wawd/files/LinStandingOrderreCivilCases_0.pdf). Local Civil Rule 7(j) of this District also provides that "[a] motion for relief
23 from a deadline should, whenever possible, be filed sufficiently in advance of the
24 deadline to allow the court to rule on the motion prior to the deadline" and that

1 “[p]arties . . . must comply with the existing deadline unless the court orders
2 otherwise.”

3 (6) Plaintiff filed his Second Motion to Extend only one day before his deadline to
4 object to the R&R, which had already been extended by approximately three
5 weeks. Plaintiff failed to file an objection to the R&R while his motion remained
6 pending and the deadline for Plaintiff’s objection remained October 24. The
7 Court, therefore, would be justified in denying Plaintiff’s Second Motion to
8 Extend and finding that Plaintiff failed to timely object to the R&R.

9 (7) However, in consideration of unexpected difficulties that Plaintiff experienced in
10 accessing the law library, including his time in administrative segregation¹ and
11 the number of times he appears to have requested access to the law library but
12 was not able to due to a scheduling conflict (Dkt. No. 73-1 at 2), the Court will
13 extend Plaintiff’s time to object to the R&R and the Parties’ time to respond to
14 each other’s objections.

15 (8) Accordingly, the Court finds good cause to ORDER as follows:

16 (a) Plaintiff’s Second Motion to Extend (Dkt. No. 70) is GRANTED, with the
17 below modifications to the parties’ deadlines.

18 (b) Plaintiff’s objection to the R&R is extended to **November 23, 2022**.

19 (c) Plaintiff’s and Defendants’ response to the opposing party’s objection to
20 the R&R, if any, is due **December 7, 2022**.

21 (d) Pursuant to Local Civil Rule 72(b), no reply is permitted.

23 ¹ Based on disciplinary records, it appears that Plaintiff was found to have been the victim of an
24 assault (which Plaintiff believes was due to a case of mistaken identity) and not guilty of the
violation for which he was placed in segregation. Dkt. No. 71 at 4–5.

1 (e) The Clerk is DIRECTED to re-note the Court's consideration of the R&R
2 and any objections filed by the Parties to **December 7, 2022**.

3 (f) No further extensions of time to respond to the R&R or the adverse party's
4 objection to the R&R will be granted absent extraordinary circumstances.

5 Dated this 8th day of November 2022.

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7 Ravi Subramanian
Clerk of the Court

8 s/ Kadya Peter
9 Deputy Clerk
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